

**HOUSE BILL 1229 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1229 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Lyon, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**MEMORIAL RESOLUTION**

S.R. 330 - By Farabee: Memorial resolution for Elmer Huel Parish.

**CONGRATULATORY RESOLUTIONS**

S.C.R. 122 - By Brown: Honoring Connie R. Alexander.

S.R. 316 - By Washington, Brown: Commending Father Bruce Ritter and the Covenant House.

S.R. 329 - By Whitmire, Brooks, Brown, Henderson, Washington, Williams: Commending W. C. Miller.

S.R. 331 - By Brooks: Extending congratulations to the Texas Hospital Association.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 12:20 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(April 18, 1985)

**H.C.R. 111**

Sent to Governor  
(April 22, 1985)

**S.C.R. 116****S.B. 349****S.B. 416****S.B. 433****FIFTY-SEVENTH DAY**

(Tuesday, April 23, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

A quorum was announced present.

Senator J. E. (Buster) Brown offered the invocation as follows:

Our dear Heavenly Father, we are thankful for the opportunity to gather here today. As we go through the last days of this session, please be with each Member, each group represented and the people of Texas. Guide all of us and direct us to do Thy will and to make every effort to do what is best for the people of this State and for future Texans. In His name we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVE OF ABSENCE**

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
April 23, 1985

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 275** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 4** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 620** by a non-record vote.

**S.C.R. 119**, Declaring April 22, 1985 as Queen Isabella Day.

**H.J.R. 33**, Proposing a constitutional amendment prohibiting the consolidation of school districts without approval of the boards of trustees.

**S.B. 374**, Relating to the exemption from use taxes for certain property acquired outside the State and used in this State as a licensed and certificated carrier.

**S.B. 745**, Relating to State contributions to the Teacher Retirement System of Texas and the optional retirement program for certain employees of institutions of higher education. (With amendment)

**S.B. 662**, Relating to the appropriation of State highway funds to the Department of Public Safety.

Respectfully,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

H.B. 248 (Amended)  
S.B. 1105  
S.B. 592  
S.B. 596  
C.S.S.B. 1055  
C.S.S.B. 483

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.C.R. 2  
H.C.R. 4  
H.C.R. 6  
H.C.R. 9  
S.B. 656  
S.B. 1103

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 547 (Amended)  
C.S.S.B. 1307

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.B. 729

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 806  
S.B. 876

Senator Barrientos, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 632

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 123  
S.B. 1301  
S.B. 1202  
S.B. 855  
S.B. 813  
S.B. 812 (Amended)  
S.B. 811  
S.B. 1093  
C.S.S.B. 743  
C.S.S.B. 140

Senator Jones submitted the following report for the Committee on Finance:

S.B. 1376  
H.B. 955 (Amended)  
C.S.S.B. 1370

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 695  
S.B. 1054 (Amended)  
H.B. 853 (Amended)  
C.S.S.B. 1142  
C.S.S.B. 905  
C.S.S.B. 770

### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 206  
S.B. 257  
S.B. 443  
S.B. 472  
S.B. 491  
S.B. 641  
H.B. 71  
H.B. 967  
H.B. 1026  
H.B. 1064  
H.C.R. 12  
H.C.R. 157

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Sharp and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1383 by Parmer State Affairs  
Relating to the registration of a motor vehicle owned by a person who is 65 years of age or older.

S.B. 1385 by Krier Education  
Relating to annexation of county territory by, and to the election of trustees of, certain junior college districts.

S.B. 1386 by Brown Intergovernmental Relations  
Relating to authority to establish a foreign trade zone within the Brazos River Harbor Navigation District of Brazoria County.

S.B. 1387 by Brown Criminal Justice  
Relating to an assessment of damages against inmates of the Texas Department of Corrections for destruction of property belonging to the department.

S.B. 1388 by Sharp Economic Development  
Relating to the regulation and the placement of motor vehicles in motor vehicle storage facilities.

**S.B. 1389** by Sharp Health and Human Resources  
Relating to the establishment of equitable audit policies and procedures to be used for the Texas Department of Human Resources audits on private and public contractors providing goods and services to individuals involving the expenditure of federal funds and state matching funds; adding Section 32.0291 to Subchapter B, Chapter 32, Human Resources Code.

**S.B. 1390** by Sharp Criminal Justice  
Relating to the purposes for which fees imposed on probationers may be used.

**S.B. 1391** by Jones Finance  
Relating to State Board of Insurance authority to promulgate rates and gather statistical data.

**S.B. 1392** by Parmer Jurisprudence  
Relating to the authority of the attorney general to seize cruelly treated animals; amending Subsection (a), Section 2, Chapter 77, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 182a, Vernon's Texas Civil Statutes).

**S.C.R. 121** by Sharp Natural Resources  
Directing the Texas Department of Water Resources and the Texas Water Commission to comply with the recommendations of the Governor's Select Committee on Water Quality Standards for the Colorado River.

**S.C.R. 123** by Brooks Health and Human Resources  
Requesting the State Board of Insurance to investigate the feasibility of providing benefits or third-party reimbursement for a full range of long-term care services for the elderly.

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.B. 58**, To Committee on Jurisprudence.
- H.B. 400**, To Committee on State Affairs.
- H.B. 495**, To Committee on Intergovernmental Relations.
- H.B. 560**, To Committee on Jurisprudence.
- H.B. 650**, To Committee on Natural Resources.
- H.B. 738**, To Committee on Health and Human Resources.
- H.B. 871**, To Committee on Intergovernmental Relations.
- H.B. 900**, To Committee on Health and Human Resources.
- H.B. 912**, To Committee on State Affairs.
- H.B. 970**, To Committee on Finance.
- H.B. 1011**, To Committee on Intergovernmental Relations.
- H.B. 1085**, To Committee on Natural Resources.
- H.B. 1086**, To Committee on Natural Resources.
- H.B. 1087**, To Committee on Natural Resources.
- H.B. 1088**, To Committee on Natural Resources.
- H.B. 1089**, To Committee on Natural Resources.
- H.B. 1090**, To Committee on Natural Resources.
- H.B. 1091**, To Committee on Natural Resources.
- H.B. 1092**, To Committee on Natural Resources.
- H.B. 1093**, To Committee on Natural Resources.
- H.B. 1106**, To Committee on Health and Human Resources.
- H.B. 1140**, To Committee on State Affairs.
- H.B. 1160**, To Committee on Finance.
- H.B. 1188**, To Committee on Finance.

H.B. 1202, To Committee on Finance.  
H.B. 1210, To Committee on Intergovernmental Relations.  
H.B. 1216, To Committee on State Affairs.  
H.B. 1220, To Committee on Intergovernmental Relations.  
H.B. 1241, To Committee on Intergovernmental Relations.  
H.B. 1264, To Committee on Health and Human Resources.  
H.B. 1287, To Committee on Intergovernmental Relations.  
H.B. 1310, To Committee on Intergovernmental Relations.  
H.B. 1393, To Committee on Education.  
H.B. 1403, To Committee on State Affairs.  
H.B. 1470, To Committee on Economic Development.  
H.B. 1478, To Committee on Intergovernmental Relations.  
H.B. 1508, To Committee on Economic Development.  
H.B. 1528, To Committee on Natural Resources.  
H.B. 1533, To Committee on State Affairs.  
H.B. 1560, To Committee on Natural Resources.  
H.B. 1681, To Committee on Economic Development.  
H.B. 1695, To Committee on Natural Resources.  
H.B. 1706, To Committee on State Affairs.  
H.B. 1787, To Committee on State Affairs.  
H.B. 1811, To Committee on Jurisprudence.  
H.B. 1819, To Committee on State Affairs.  
H.B. 1830, To Committee on Intergovernmental Relations.  
H.B. 1942, To Committee on Natural Resources.  
H.B. 1949, To Committee on Finance.  
H.B. 2044, To Committee on Finance.  
H.B. 2045, To Committee on Finance.  
H.B. 2048, To Committee on Finance.  
H.B. 2066, To Committee on Jurisprudence.  
H.B. 2086, To Committee on Health and Human Resources.  
H.B. 2087, To Committee on Intergovernmental Relations.  
H.B. 2151, To Committee on Intergovernmental Relations.  
H.B. 2152, To Committee on Education.  
H.B. 2210, To Committee on Natural Resources.  
H.B. 2211, To Committee on Natural Resources.  
H.B. 2212, To Committee on Natural Resources.  
H.B. 2213, To Committee on Natural Resources.  
H.B. 2214, To Committee on Natural Resources.  
H.B. 2216, To Committee on Intergovernmental Relations.  
H.B. 2245, To Committee on State Affairs.  
H.B. 2247, To Committee on Intergovernmental Relations.  
H.B. 2248, To Committee on Natural Resources.  
H.B. 2300, To Committee on Finance.  
H.B. 2301, To Committee on Finance.  
H.B. 2344, To Committee on State Affairs.  
H.B. 2346, To Committee on State Affairs.  
H.B. 2376, To Committee on Intergovernmental Relations.  
H.B. 2381, To Committee on Intergovernmental Relations.  
H.C.R. 79, To Committee on State Affairs.  
H.C.R. 171, To Committee on State Affairs.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

April 22, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE MUNICIPAL  
RETIREMENT SYSTEM:**

For a term to expire January 31, 1991:

**CHARLES EDWARD WILSON**

1933 Madera

Waco, Texas 76705

(Mr. Wilson is being reappointed.)

For a term to expire January 31, 1991:

**DON CATES**

Post Office Box 1971

Amarillo, Texas 79186

(Mr. Cates is replacing Mr. Joseph M. Nuessle of Midland, Midland County, Texas, whose term expired.)

**TO BE A MEMBER OF THE STATE SECURITIES BOARD:**

For a term to expire January 16, 1991:

**ALAN D. FELD**

4235 Bordeaux

Dallas, Texas 75201

(Mr. Feld is replacing Mr. John W. Turner of Dallas, Dallas County, Texas, whose term expired.)

**TO BE MEMBERS OF THE TEXAS BOARD OF PHYSICAL THERAPY  
EXAMINERS:**

For a term to expire January 31, 1991:

**CECILIA GARCIA AKERS**

2014 Encino Vista

San Antonio, Texas 78529

(Ms. Akers is being reappointed.)

For a term to expire January 31, 1991:

**RICHARD TINSLEY**

139 Hickory Ridge

Houston, Texas 77024

(Mr. Tinsley is replacing Mr. Rex L. Nutt of Houston, Harris County, Texas, whose term expired.)

**TO BE A MEMBER OF THE ADVISORY BOARD OF ATHLETIC TRAINERS:**

For a term to expire January 31, 1989:

**SAMUEL MOORE RUSSELL**

1226 Elmwood

Lewisville, Texas 75067

(Mr. Russell is replacing Mr. Logan Wood of Houston, Harris County, Texas, whose term expired.)

**TO BE PRESIDING JUDGE OF THE THIRD ADMINISTRATIVE JUDICIAL DISTRICT:**

For a term of four years upon qualifying for such office:

**THE HONORABLE JAMES F. CLAWSON, JR.**

Post Office Box 747

Belton, Texas 76513

(Judge Clawson is replacing The Honorable Herman Jones of Austin, Travis County, Texas, whose term expired.)

**TO BE A MEMBER OF THE TEXAS AERONAUTICS COMMISSION:**

For a term to expire February 1, 1991:

**STEPHEN E. CONE, JR.**

1306 Broadway

Lubbock, Texas 79401

(Mr. Cone is replacing Mr. James Johnson of Austin, Travis County, Texas, whose term expired.)

**TO BE A MEMBER OF THE INTERAGENCY COUNCIL ON SEX OFFENDER TREATMENT:**

For a term to expire February 1, 1991:

**COLLIER M. COLE**

2905 Cottonwood Drive

Dickinson, Texas 77539

(Mr. Cole is being reappointed.)

Respectfully submitted,

/s/Mark White

Governor of Texas

**SENATE RESOLUTION 321**

Senator Edwards offered the following resolution:

**S.R. 321**, Extending the official welcome of the Senate to Mr. Arthur Gordon, prominent author and editor.

The resolution was read and was adopted.

**SENATE CONCURRENT RESOLUTION 124**

Senator Brooks offered the following resolution:

**S.C.R. 124**, Directing the Texas Department of Human Resources to establish an income eligibility cap for nursing home care.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE BILL 309 WITH HOUSE AMENDMENT**

Senator Mauzy called **S.B. 309** from the President's table for consideration of the House amendment to the bill.



The President laid the bill and the House amendment before the Senate.  
Committee Amendment - J. Hinojosa  
Substitute the following for S.B. 309:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the jurisdiction of the County Courts of Dallas County at Law Nos. 1, 2, 3, 4, and 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 1970-3, Revised Statutes, is amended to read as follows:

Art. 1970-3. JURISDICTION

Sec. 1. The County Courts [~~Court~~] of Dallas County at Law Nos. [~~No.~~] 1, 2, 3, 4, and 5 have [~~has~~] original and concurrent jurisdiction with the County Court of Dallas County in all matters and causes, civil and criminal, original and appellate, over which, by the general laws of the State, county courts have jurisdiction, except as provided in Article 1970-4, Revised Statutes; but this provision shall not affect jurisdiction of the commissioners court, or of the county judge of Dallas county as the presiding officer of the commissioners court, as to roads, bridges, and public highways, and matters of eminent domain which are now within the jurisdiction of the commissioners court or the judge thereof.

Sec. 2. The County Courts [~~Court~~] of Dallas County at Law Nos. [~~No.~~] 1, 2, 3, 4, and 5 have [~~has~~] original and concurrent jurisdiction with district courts in all civil cases in which the matter in controversy exceeds \$500, excluding interest, and does not exceed \$50,000 [~~\$20,000~~], excluding interest, statutory [~~mandatory~~] damages and penalties, attorney's fees, and costs.

Sec. 3. The County Courts [~~Court~~] of Dallas County at Law Nos. [~~No.~~] 1, 2, 3, 4, and 5 have [~~has~~] original and concurrent jurisdiction with district courts in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lyon.

**GUEST PRESENTED**

Senator Brooks was recognized and introduced Dr. Presley Mock, Jr., of La Porte, the Capitol Physician for the Day.

The Senate expressed their appreciation to Dr. Mock for his service.

**COMMITTEE SUBSTITUTE HOUSE BILL 1147 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1147, Relating to the payment and rates of tuition charged by an institution of higher education, the classification of certain students as residents for

tuition purposes, and the amount of tuition set aside for Texas Public Educational Grants or the repayment of certain student loans.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 1147 by deleting Section 1, Subsection (i) and deleting Section 3, Subsection (j).

The amendment was read.

On motion of Senator Jones, the amendment was tabled by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Uribe offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 1147 by deleting Subsection (i) of Section 1 and inserting in lieu thereof the following:

(i) Tuition for a resident student registered at a law school is \$36 per semester credit hour. Tuition for a nonresident student registered at a law school is \$150 per semester credit hour.

Amend C.S.H.B. 1147 by deleting Subsection (j) of Section 3 and inserting in lieu thereof the following:

(j) Tuition for a resident student registered at a law school is:

- (1) for the 1985-1986 academic year, \$18 per semester credit hour;
- (2) for the 1986-1987 academic year, \$24 per semester credit hour;
- (3) for the 1987-1988 academic year, \$30 per semester credit hour.

The amendment was read.

On motion of Senator Jones, the amendment was tabled by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.H.B. 1147 by deleting Section 5 and renumbering the subsequent sections accordingly.

The amendment was read.

On motion of Senator Jones, the amendment was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.H.B. 1147 in Section 3 by deleting subsection (c) of Sec. 54.0512 and substituting in lieu thereof the following:

(c) Tuition for a nonresident student at a general academic teaching institution is:

(1) for the 1985-1986 academic year, \$80 per semester credit hour;  
and

(2) for the 1986-1987 academic year, \$120 per semester credit hour.

The amendment was read.

On motion of Senator Jones, the amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Kothmann, Krier, Mauzy, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.H.B. 1147 in Section 12 by adding subsections (c), (d) and (e) to Sec. 56.033 as follows:

(c) The governing board of institutions of higher education and the Texas State Technical Institute shall cause to be set aside three percent of each resident student's tuition charge under Section 54.051 of this code and one percent of each non-resident student's tuition charge under Section 54.051 of this code for use in an Emergency Tuition and Fees Loan Program.

(d) The Emergency Tuition and Fees Loan Program shall be administered according to rules established by the governing board of the institutions of higher education (except public junior colleges) which rules shall contain, among other, provisions:

(1) for eligibility criteria that will allow eligible students to obtain loans on the basis of the order of the receipt of applications;

(2) that the loan may be paid over a period of no less than 75 days for the regular sessions and the long summer session (proportionately fewer days for the 6-week summer sessions);

(3) that the promissory notes evidencing the loans shall bear interest at a rate of no more than three percent per annum;

(4) that the maximum loan per student may not be less than the tuition for courses actually enrolled in by the student.

(e) Funds available to the Emergency Tuition and Fees Loan Program in excess of an amount that will allow thirty percent of the students (calculated on a headcount basis for the fall semester) enrolled at the institution to obtain maximum loans under the program shall be made available for use as Texas Public Educational Grants.

The amendment was read.

Senator Glasgow offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend C.S.H.B. 1147 in Section 12 by adding subsections (c), (d) and (e) to Sec. 56.033 as follows:

(c) The governing board of institutions of higher education and the Texas State Technical Institute shall cause to be set aside three percent of each resident student's tuition charge under Section 54.051 of this code and one percent of each non-resident student's tuition charge under Section 54.051 of this code for use in an Emergency Tuition and Fees Loan Program.

(d) the Emergency Tuition and Fees Loan Program shall be administered according to rules established by the governing board of the institutions of higher education (except public junior colleges) which rules shall contain, among other, provisions:

(1) for eligibility criteria that will allow eligible students to obtain loans on the basis of the order of the receipt of applications;

(2) that the loan may be paid over a period of not to exceed 75 days for the regular sessions and the long summer session (proportionately fewer days for the 6-week summer sessions);

(3) that the promissory notes evidencing the loans shall bear interest at a rate of no more than three percent per annum;

(4) that the maximum loan per student may not be less than the tuition for courses actually enrolled in by the student.

(e) Funds available to the Emergency Tuition and Fees Loan Program in excess of an amount that will allow thirty percent of the students (calculated on a headcount basis for the fall semester) enrolled at the institution to obtain maximum loans under the program shall be made available for use as Texas Public Educational Grants.

The amendment was read and was adopted.

On motion of Senator Jones, Floor Amendment No. 5 as amended was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Blake, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Edwards, Kothmann, Mauzy, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Senator Parmer offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 1147 by striking Section 13 (c) and substituting in lieu thereof the following:

(c) For the 1985-86, 1986-87, and 1987-88 academic years, five percent of each student's tuition charge shall be set aside for Texas Public Educational Grants from each nonresident student's tuition charge under Section 54.051 of this code.

Amend C.S.H.B. 1147, in Section 12, by striking the word "three" in Section 56.033 (a)(2) and substitute in lieu thereof the word "five".

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Barrientos, Brooks, Farabee, Kothmann, Mauzy, Parmer, Santiesteban, Truan, Washington, Whitmire, Williams.

Nays: Blake, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger, Uribe.

Absent-excused: Lyon.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 1147 as follows:

Delete Subsections (f), (g), and (h) of SECTION 1 and replace in lieu thereof the following:

(f) [(e)] Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is \$3,950 per academic year [students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months]. [(f)] Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a M.D. or D.O. degree would pay during the corresponding academic year [students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months].

(g) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is \$3,333 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a D.D.S. degree would pay during the corresponding academic year.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is \$1,200 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a D.V.M. degree would pay during the corresponding academic year.

Delete Subsection (d), (e), (f), (g), (h) and (i) and replace in lieu thereof the following:

(d) Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is:

- (1) for the 1985-1986 academic year, \$800;
- (2) for the 1986-1987 academic year, \$1,219; and

(3) for the 1987-1988 academic year, \$2,400.

(e) Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree is four times the rate that a resident student enrolled in a program leading to a M.D. or D.O. degree would pay during the corresponding academic year.

(f) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is:

(1) for the 1985-1986 academic year, \$725;

(2) for the 1986-1987 academic year, \$1,077; and

(3) for the 1987-1988 academic year, \$2,200.

(g) Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree is four times the rate that a resident student enrolled in a program leading to a D.D.S. degree would pay during the corresponding academic year.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is:

(1) for the 1985-1986 academic year, \$600;

(2) for the 1986-1987 academic year, \$800; and

(3) for the 1987-1988 academic year, \$1,000.

(i) Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree is four times the rate that a resident student enrolled in a program leading to a D.V.M. degree would pay during the corresponding academic year.

BROOKS  
SARPALIUS

The amendment was read.

Senator Krier offered the following amendment to Floor Amendment No. 8:  
Floor Amendment No. 9

Amend Floor Amendment 8 to C.S.H.B. 1147 as follows:

Delete Subsections (f), (g), and (h) of SECTION 1 and replace in lieu thereof the following:

(f) [(e)] Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is \$5,463 per academic year [students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months]. [(f)] Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a M.D. or D.O. degree would pay during the corresponding academic year [students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months].

(g) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is \$4,511 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a D.D.S. degree would pay during the corresponding academic year.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is \$4,800 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree is an amount per semester credit hour equal to four times the rate that a resident student enrolled in a program leading to a D.V.M. degree would pay during the corresponding academic year.

Delete Subsections (d), (f), (h) and replace in lieu thereof the following:

(d) Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is:

- (1) for the 1985-1986 academic year, \$1,219;
- (2) for the 1986-1987 academic year, \$2,400;
- (3) for the 1987-1988 academic year, \$3,600; and
- (4) for the 1988-1989 academic year, \$4,800.

(f) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is:

- (1) for the 1985-1986 academic year, \$900;
- (2) for the 1986-1987 academic year, \$1,600;
- (3) for the 1987-1988 academic year, \$2,500; and
- (4) for the 1988-1989 academic year, \$3,500.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is:

- (1) for the 1985-1986 academic year, \$800;
- (2) for the 1986-1987 academic year, \$1,200;
- (3) for the 1987-1988 academic year, \$2,400; and
- (4) for the 1988-1989 academic year, \$3,600.

The amendment was read and was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, McFarland, Montford, Parker, Santiesteban, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Leedom, Mauzy, Parmer, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Floor Amendment No. 8 as amended was then adopted by the following vote: Yeas 20, Nays 10.

Yeas: Barrientos, Brooks, Brown, Caperton, Henderson, Howard, Kothmann, Krier, Leedom, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Williams.

Nays: Blake, Edwards, Farabee, Glasgow, Harris, Jones, McFarland, Sharp, Washington, Whitmire.

Absent-excused: Lyon.

Senator Mauzy offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.H.B. 1147 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subsections (a)-(n), Section 54.051, Education Code, are amended to read as follows:

(a) In this section:

(1) "Cost of education" means the applicable cost of education determined by the Coordinating Board, Texas College and University System, under Section 54.0511 of this code.

(2) "General academic teaching institution" has the meaning assigned by Section 61.003(3) of this code.

(3) "Public junior college" has the meaning assigned by Section 61.003(2) of this code.

(b) The governing board of each institution of higher education and of the Texas State Technical Institute shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

(c) Unless a different rate is specified by this section, tuition [(b) Tuition] for a resident student at a general academic teaching institution is the greater of:

(1) \$100 for each semester or 12-week summer session and \$50 for each six-week summer term; or

(2) \$16 per semester credit hour [students, except as otherwise hereinafter provided, is \$4 per semester credit hour, but the total of such charge shall be not less than \$50 per semester or 12-week summer session, and not less than \$25 per 6-week summer term].

(d) Unless a different rate is specified by this section [(c) For the academic year beginning Fall, 1985, and for the Summer Session, 1986], tuition for a nonresident student at a general academic teaching institution is an amount per semester credit hour equal to 100 percent of the cost of education [students, except as otherwise hereinafter provided, is \$46 per semester credit hour. For the academic year beginning Fall, 1986, and for the Summer Session, 1987, tuition for nonresident students, except as otherwise hereinafter provided, is \$53 per semester credit hour].

(e) Tuition for a resident student [(d) Resident or nonresident students] registered only for thesis or dissertation credit that [only, in those instances where such credit] is the final credit hour requirement for the degree in progress is determined by the governing board of the institution in which the student is enrolled[, shall pay a sum proportionately less than herein prescribed but not more than \$50].

(f) [(e)] Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is \$2,400 per academic year [students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months].

[(f)] Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree is an amount per semester credit hour equal to 20 percent of the cost of education [students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months].

(g) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is \$1,600 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree is an amount per semester credit hour equal to 20 percent of the cost of education.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is \$1,200 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree is \$9,600 per academic year.

(i) Tuition for a resident student registered at a law school is \$36 per semester credit hour. Tuition for a nonresident student registered at a law school is \$150 per semester credit hour.

(j) Tuition for a student registered in a program leading to a degree in nursing or in an allied health profession is the same as for students with the same residency registered at a general academic teaching institution.

(k) Tuition for a resident student registered at the Texas State Technical Institute is the greater of \$50 or an amount set by the governing board of the institute at not less than \$8 per semester credit hour. Tuition for a nonresident student registered at the Texas State Technical Institute is an amount set by the governing board of the institute at not less than \$80 per semester credit hour.

(l) [(g)] Resident students or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee, in addition to the regular tuition, set [said fee to be designated] by the governing board of the [such] institution[, but in no event shall such fees be more per course per semester of four and one-half months or per summer session than \$75].

(m) Tuition [(h) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition] for students who are citizens of



any country other than the United States of America is the same as [1.5 times] the tuition required of other nonresident students.

~~[(i) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is 1.5 times the tuition required of other nonresident students.]~~

~~[(n) [(j)] Tuition for a resident student [nonresident students] registered in a public junior college is determined by the governing board of each institution, but the tuition may not be less than \$4 for each semester credit hour and may not total less than \$25 for a semester. Tuition for a nonresident student is determined by the governing board of each institution but the tuition may not be less than \$200 for each semester [as provided in Subsection (b), Section 130.003 of the Texas Education Code].~~

~~[(k) Tuition for students registered in a school of nursing as a nursing student is \$50 per semester and per 12-week summer session.~~

~~[(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than \$20.~~

~~[(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:~~

~~[(1) he receives the degree at the degree level (i.e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or~~

~~[(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or~~

~~[(3) the termination of the spring semester of 1975.]~~

SECTION 2. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0511 to read as follows:

Sec. 54.0511. COST OF EDUCATION. (a) Not later than January 1 of each odd-numbered year, the Coordinating Board, Texas College and University System, by rule shall calculate in accordance with this section the average cost of education of a student during the fiscal biennium that includes that year for general academic teaching institutions and for degree programs for which tuition is based on the cost of education.

(b) For general academic teaching institutions, the cost of education is the average amount appropriated for the biennium from the general revenue fund and the estimated educational and general income for the biennium, as stated in the General Appropriations Act, for each semester credit hour. In determining the amount appropriated during a biennium for each semester credit hour, the coordinating board shall exclude appropriations for special items, new construction, or repair or rehabilitation of a facility.

(c) For programs leading to an M.D., D.O., or D.D.S. degree, the cost of education is the average amount per semester credit hour appropriated for direct instruction in the program, plus an amount determined by the coordinating board to be the amount per semester credit hour appropriated for the other educational costs specifically applicable to the program for each full-time student for each academic year.

(d) Not later than January 1 of each year, the coordinating board shall calculate the tuition based on the cost of education to be charged students for each

semester credit hour during the succeeding academic year. The tuition rates set by the coordinating board under this subsection shall be uniform for all general academic teaching institutions and within each category of degree program.

(e) The coordinating board shall report the tuition rates to the appropriate institutions as soon as possible after the rates are determined.

SECTION 3. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0512 to read as follows:

Sec. 54.0512. INTERIM TUITION RATES. (a) Notwithstanding Section 54.051 of this code, tuition for the applicable academic years is as provided by this section.

(b) Tuition for a resident student at a general academic teaching institution is the greater of \$100 for each semester or 12-week summer session and \$50 for each six-week summer term or:

(c) Tuition for a nonresident student at a general academic teaching institution for the 1985-1986 and 1986-1987 academic years is \$120 per semester credit hour.

(d) Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree for the 1985-1986 is \$1,219.

(e) Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree for the 1985-1986 academic year is \$4,868.

(f) Tuition for a resident student enrolled in a program leading to a D.D.S. for the 1985-1986 academic year is \$800.

(g) Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree for the 1985-1986 academic year is \$3,600.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree for the 1985-1986 academic year is \$800.

(i) Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree for the 1985-1986 academic year is \$3,200.

(j) Tuition for a resident student registered at a law school for the 1985-1986 academic year is \$24 per semester credit hour.

(k) Tuition for academic years not specifically covered by this section (beginning 1987-1988 or 1988-1989, as applicable) is at the rates provided by Section 54.051 of this code. This section expires January 1, 1989.

SECTION 4. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0521 to read as follows:

Sec. 54.0521. OATH OF RESIDENCY. (a) Before an individual may register at an institution of higher education paying tuition at the rate provided for residents, the individual must affirm under oath, to the appropriate official at the institution, that the individual is entitled to be classified as a resident for purposes of tuition.

(b) If the institution later determines that the individual was not entitled to be classified as a resident at the time of the individual's registration, the individual shall, not later than 30 days after the date the individual is notified of the determination, pay to the institution the amount the individual should have paid as a nonresident.

(c) If the individual fails to make a timely payment as required by this section, the individual is not entitled to receive a transcript or to receive credit for courses taken during the time the individual was falsely registered as a resident student.

SECTION 5. Section 54.056, Education Code, is amended to read as follows:

Sec. 54.056. EFFECT OF MARRIAGE. A [nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas; and any] student who is a resident of Texas and who marries a nonresident is entitled to pay

the resident tuition fee as long as the student [he] does not adopt the legal residence of the spouse in another state.

SECTION 6. Subsection (b), Section 54.058, Education Code, is amended to read as follows:

(b) A person who is an [An] officer, enlisted person [man or woman], selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, [Texas State Guard,] Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas, and the spouse and children of such an officer, enlisted person, selectee, or draftee, are [is] entitled to register [himself, his spouse, and their children] in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time the officer, enlisted person, selectee, or draftee [he] has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from nonresident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard[, Texas State Guard,] or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.

SECTION 7. Section 54.059, Education Code, is amended to read as follows:

Sec. 54.059. FACULTY AND[~~-STAFF;~~] DEPENDENTS. A teacher or[;] professor[~~;-or other employee~~] of an institution of higher education, and the spouse and children of such a teacher or professor, are [is] entitled to register [himself, his spouse, and their children] in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time the teacher or professor [he] has resided in Texas. A teacher or[;] professor[~~;-or other employee~~] of an institution of higher education and the teacher's or professor's family are entitled to the benefit of this section if the teacher or professor is [any person] employed at least one-half time on a regular monthly salary basis by an institution of higher education.

SECTION 8. Section 54.051(o), Education Code, is renumbered as Section 54.063 and amended to read as follows:

Sec. 54.063. TEACHING OR RESEARCH ASSISTANT. [(o)] A teaching assistant or[;] research assistant[~~;-or other student employee~~] of any institution of higher education and the spouse and children of such a teaching assistant or research assistant, are [covered by this section is] entitled to register [himself, his spouse, and their children] in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents under Section 54.051 of this code, without regard to the length of time the assistant [he] has resided in Texas, if the assistant[~~;- provided that said student employee~~] is employed at least one-half time in a teaching or research assistant position which relates to the assistant's [his] degree program under rules and regulations established by the employer institution. [This exemption shall continue for students employed two consecutive semesters through the summer session following such employment if the institution is unable to provide employment and, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.]

SECTION 9. Section 54.051(p), Education Code, is renumbered as Section 54.064 and amended to read as follows:

Sec. 54.064. SCHOLARSHIP STUDENT. (a) [(p)] A student who holds a competitive academic scholarship of at least \$200 for the academic year or summer for which the student [he] is enrolled and who is either a nonresident or a citizen of a country other than the United States of America is entitled to pay the fees and charges required of Texas residents without regard to the length of time the student [he] has resided in Texas. The student[, provided that he] must compete with other students, including Texas residents, for the academic scholarship and [that] the scholarship must be awarded by a scholarship committee officially recognized by the administration and be approved by the Coordinating Board, Texas College and University System, under criteria developed by the board [of the institution of higher education].

(b) Beginning with the 1989-1990 academic year, the total number of students at an institution paying resident tuition under this section for a particular semester may not exceed two percent of the total number of students registered at the institution for the same semester of the preceding academic year.

SECTION 10. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.007 to read as follows:

Sec. 54.007. OPTION TO PAY TUITION BY INSTALLMENT. (a) The governing board of each institution of higher education other than a junior college shall provide for the payment of tuition and fees during the fall and spring semesters through the following alternatives:

(1) full payment of tuition and fees in advance of the beginning of the semester;

(2) one-half payment of tuition and fees in advance of the beginning of the semester and one-half payment prior to the start of the eighth class week; or

(3) one-fourth payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the fourth, eighth, and twelfth class weeks.

(b) The governing board may assess and collect incidental fees for students utilizing payment alternative (2) or (3) under Subsection (a) of this section and for students delinquent in payments. The fees must reasonably reflect the cost to the institution of handling those payments.

(c) A student who fails to make full payment of tuition and fees, including any incidental fees, by the due date shall be barred from classes until full payment is made. A student who fails to make payment prior to the end of the semester may not receive credit for the work done that semester. University records may be adjusted to reflect the student's failure to have properly enrolled for that semester.

SECTION 11. Subsections (b) and (d), Section 54.207, Education Code, are amended to read as follows:

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the Coordinating Board, Texas College and University System, [State Board of Education] and allocation by it. However, not more than 235 students from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the coordinating board [State Board of Education].

(d) The coordinating board [State Board of Education], after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

SECTION 12. Section 56.033, Education Code, is amended to read as follows:

Sec. 56.033. SOURCE OF PROGRAM FUNDING. (a) The governing boards of institutions of higher education and the Texas State Technical Institute shall cause to be set aside for use as Texas Public Educational Grants:

(1) for the 1987-1988 and subsequent academic years, not less than nine percent nor more than 15 percent [twenty-five cents] out of each resident student's tuition [hourly] charge under Section 54.051 of this code as provided by the General Appropriations Act for the applicable academic year; in specifying the percentage to be set aside under this subdivision, the legislature shall consider the recommendations of the Select Committee on Higher Education established by H.C.R No. 105, Acts of the 69th Legislature, Regular Session, 1985;

(2) three percent [in Subsection (b), \$1.50] out of each nonresident student's tuition [hourly] charge under [in Subsection (c) of] Section 54.051 of this code;[- as amended, and]

(3) 25 cents out of each resident student's hourly tuition charge and \$1.50 out of each nonresident student's hourly tuition charge at public community and junior colleges; and

(4) six percent of hourly tuition charges for vocational-technical courses at public community and junior colleges.

(b) Funds set aside under this section from tuition paid by resident students may be used only for grants awarded to resident students. Funds set aside under this section from tuition paid by nonresident students may be used only for grants awarded to nonresident students and students who are citizens of countries other than the United States.

SECTION 13. Chapter 56, Education Code, is amended by adding Sections 56.0331 and 56.039 to read as follows:

Sec. 56.0331. TEMPORARY PROVISION. (a) Notwithstanding Section 56.033 of this code, for the 1985-1986, 1986-1987, and 1987-1988 academic years, the governing boards of institutions of higher education and the Texas State Technical Institute shall cause to be set aside amounts as provided by this section for use as Texas Public Educational Grants.

(b) For the 1985-1986 and the 1986-1987 academic years, 15 percent of each resident student's tuition charge shall be set aside for Texas Public Educational Grants from the student's tuition charge under Section 54.051 of this code.

(c) The following amounts shall be set aside for Texas Public Educational Grants from each nonresident student's tuition charge under Section 54.051 of this code:

(1) for the 1985-1986 and 1986-1987 academic years, five percent of each student's tuition charge; and

(2) for the 1987-1988 academic year, three percent of each student's tuition charge.

(d) This section expires September 1, 1988.

Sec. 56.039. FULL USE OF FUNDS. (a) At the end of a fiscal year, if the total amount of unencumbered funds that have been set aside under this subchapter by an institution of higher education, together with the total amount of unencumbered funds transferred by that institution to the Coordinating Board, Texas College and University System, exceeds 150 percent of the amount of funds set aside by that institution in that fiscal year, the institution shall transfer the excess amount to the coordinating board. The coordinating board shall use funds transferred under this section to award scholarships as provided by law to students at institutions other than the institution that transferred the funds.

SECTION 14. Section 56.035, Education Code, is amended to read as follows:

Sec. 56.035. TYPE OF GRANTS TO BE AWARDED ~~[AND RESTRICTIONS]~~. ~~[(a)]~~ Texas Public Educational Grants shall not be awarded for any specific purpose other than meeting all or part of a student's demonstrated financial need.

~~[(b)] No more than 10 percent of total grant funds awarded by institutions of higher education in a fiscal year under this subchapter may be allocated to out-of-state students.~~

~~[(c)] No funds may be awarded to alien students nor any money set aside from tuition revenues of alien students for use in this program.]~~

SECTION 15. Section 130.003(b), Education Code, is amended to read as follows:

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required by Section 54.051 of this code ~~[and provided by law for other state-supported institutions of higher education]~~, except, however, the governing board of a public junior college district may waive the difference in the rate of tuition for nonresident and resident students for a person, and his dependents, who owns property which is subject to ad valorem taxation by the junior college district~~[, that the amount charged nonresidents who have not received a waiver of nonresident tuition need not be greater than the amount so required by law on January 1, 1971, and that notwithstanding the provisions of Subsection (b) of Section 54.051 of this code, the minimum tuition charge for resident students shall be \$25];~~

(5) grant, when properly applied for, the scholarships and tuition exemptions provided for in this code; and

(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code.

SECTION 16. Subchapter C, Chapter 52, Education Code, is amended by adding Section 52.41 to read as follows:

Sec. 52.41. MEDICAL SCHOOL TUITION SET ASIDE FOR CERTAIN LOAN REPAYMENTS. The governing boards of each medical unit of an institution of higher education shall cause to be set aside two percent of tuition charges for resident students registered in a medical branch, school, or college. The amount set aside shall be transferred to the comptroller of public accounts to be maintained in the state treasury for the sole purpose of repayment or cancellation of student loans of physicians serving in designated state agencies or economically depressed areas of the state as specified in this chapter or other provisions of this code.

SECTION 17. The Coordinating Board, Texas College and University System, shall conduct a study of the operation of the Texas Public Educational Grant Program in conjunction with other student financial aid programs to determine the adequacy of the programs in meeting the financial aid requirements of students attending public institutions of higher education in this state. The coordinating board shall present a report of its findings in the study to the 70th Legislature.

SECTION 18. The change in Section 54.207, Education Code, made by this Act does not affect the validity of actions taken by the State Board of Education under that section in anticipation of the 1985-1986 academic year.

SECTION 19. This Act applies only to tuition for courses and to funds set aside for Texas Public Educational Grants from tuition for courses beginning with the fall semester, 1985, and thereafter. Tuition for courses and funds set aside for Texas Public Educational Grants from tuition for courses beginning before the fall semester, 1985, are governed by the laws in effect on January 1, 1985, and those laws are continued in effect for that purpose.

SECTION 20. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator Jones, the amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

Question - Shall the bill as amended be passed to third reading?

#### LEAVE OF ABSENCE

Senator Harris was granted leave of absence for the remainder of today on account of illness on motion of Senator Blake.

#### MESSAGE FROM THE HOUSE

House Chamber  
April 23, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 68, Relating to the investment of State funds.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

(Senator Caperton in Chair)

#### COMMITTEE SUBSTITUTE HOUSE BILL 1147 ON SECOND READING

The Senate resumed consideration of C.S.H.B. 1147 on its second reading and passage to third reading.

Question - Shall the bill as amended be passed to third reading?

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.H.B. 1147, Section 12 by adding in Sec. 56.033 (b) line 27 between the words section and from, for grants and adding thereafter the following new subsections (c), (d) and (e).

(c) not more than 80 percent of the total tuition set aside shall be used for Texas Public Educational Grants and not less than 20 percent of the total tuition set aside shall be used for an Emergency Tuition and Fees Loan Program.

(d) The Emergency Tuition and Fees Loan Program shall be administered according to rules established by the governing board of the institutions of higher education (except public junior colleges) which rules shall contain, among others, provisions:

(1) for eligibility criteria that will allow eligible students to obtain loans on the basis of the order of receipt of applications;

(2) that the loan may be paid over a period not to exceed 90 days for the regular sessions and the long summer session (proportionately fewer days for the six-week summer sessions);

(3) that the promissory notes evidencing the loans shall bear interest at a rate of no more than five percent per annum;

(4) that the maximum loan per student may not be less than the tuition and required fees for courses actually enrolled in by the student; and

(5) for making loans to students enrolled in programs where tuition is paid on other than a per semester credit hour basis that are analogous to the provisions of this subsection for students who pay tuition on a per semester credit hour basis.

(e) The governing boards of public junior colleges shall cause to be set aside no less than three percent nor more than five percent[; as amended, and six percent] of each student's [hourly] tuition as set in Section 54.051 of this code for use as Texas Public Educational Grants [charges for vocational technical courses at public community and junior colleges].

The amendment was read and was adopted.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 1147, Section 13 by adding the following:

(1) on line 13 to read: Texas Public Educational Grants and Emergency Tuition Fees and Loan Program.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(President in Chair)

The bill as amended was passed to third reading by the following vote: Yeas 18, Nays 11.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Harris, Lyon.



**MOTION TO PLACE  
COMMITTEE SUBSTITUTE HOUSE BILL 1147 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1147 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 11.  
(Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Kothmann, Mauzy, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Harris, Lyon.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 23, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 2092**, Relating to the certification of city secretaries.

**H.B. 2337**, Amending Acts of the 1957, 55th Legislature, R.S., Ch. 268, Section 11 (codified as TEX. REV. CIV. STAT. ANN. art. 8280-207); relating to acquisition of property of Tarrant County Water Control and Improvement.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**MEMORIAL RESOLUTION**

**H.C.R. 166** - (Caperton): Memorial resolution for former Speaker of the House W. S. Barron, Sr.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 126** - (Henderson): Expressing appreciation to the Texas Planning Council for Developmental Disabilities.

**S.R. 332** - By Truan: Recognizing Buccaneer Days 1985, Corpus Christi.

**S.R. 334** - By Barrientos: Extending congratulations to Mr. and Mrs. Joe D. Sanchez.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 2:16 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Sent to Governor  
(April 23, 1985)

S.C.R. 56

S.C.R. 106  
S.C.R. 107  
S.B. 298  
S.B. 412  
S.B. 473  
S.B. 206  
S.B. 257  
S.B. 443  
S.B. 472  
S.B. 491  
S.B. 641

**FIFTY-EIGHTH DAY**  
(Wednesday, April 24, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Lyon.

A quorum was announced present.

Senator Bill Sarpalius offered the invocation as follows:

Dear Lord we thank You for the opportunity to be here today. We thank You for this beautiful weather and for all the many blessings You have given each one of us. Watch over and guide us and help us always to be an example for You. Guide us with Your wisdom on the decisions that we make on a day to day basis. In Your most precious name we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 24, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 115, Granting Mission Insurance Group, Inc. permission to sue the state.